

**REMARKS**

Independent claim 1, together with its dependent claims 2-4, 7, and 8, stands rejected as obvious over Admitted Prior Art in view of Haddad. Applicants respectfully traverse this rejection and beg for reconsideration in the light of the following remarks.

In the instant Specification, Applicants identified certain teachings regarding redirection of download requests as belonging to the prior art. For example, a content provider or Internet service provider rents or buys extra cache which it uses to alleviate the load on its own central resources. (See Specification, page 2, lines 25-30.) Those teachings have been referred to by the Examiner as "Admitted Prior Art," and will be referred to below by the abbreviation "APA."

In the last Office Action, the Examiner asserted that it would be obvious to modify the APA by adding a bandwidth exchange market as taught by Haddad. For motivation, the Examiner asserted that "an open exchange will provide lowest cost and best service benefits for the participants." Applicants respectfully disagree with the Examiner's finding of obviousness for the reasons described below.

A. No *prima facie* case of obviousness has been established.

The Examiner has provided no specific motivation to combine the APA with Haddad. Although the potential benefits of the present invention certainly include "lowest cost and best service benefits", the Examiner has cited no teaching of the prior art which suggests that in the field of endeavor of *servicing download requests*, these benefits might be obtained through the specific stratagem of *bandwidth trading*. There are many possible ways to decrease cost and improve service benefits. The mere recognition that these are desirable objectives does not, in and of itself, provide motivation in any particular direction, much less the particular direction of bandwidth trading as a way to achieve these objectives.

For the above reason, it is respectfully submitted that no motivation to combine has been established, that as a consequence the Examiner has not asserted all of the elements that make a *prima facie* case of obviousness, and therefore that no such case has been established.

B. The asserted combination would not lead to the present invention.

Even if there were *arguendo* some motivation to combine the APA with Haddad, such a combination would not lead to the present invention. That is, servicing of download requests in accordance with the APA relates to operations for moving data from a single endpoint such as a server onto a network. By contrast, Haddad is directed to making a network more efficient by facilitating the trading of capacity for communicating between pairs of endpoints of the network. Thus, the teachings of Haddad would not directly affect the resources for servicing download requests. Instead, they would affect only the resources, residing in the underlying network itself, for transporting the downloaded data from one endpoint of the network to another.

Therefore, adopting the teachings of Haddad into the APA would not lead to the trading of cache resources as in the present invention.

C. The use of redirection in the context of the present invention is non-obvious.

According to the present invention, cache resources are made the subject of commodity contracts. These contracts are structured so that requests to download the same content will be redirected to cache providers at different locations in different time periods. In order for this to be possible, it is necessary to conduct the redirection activities according to a schedule such that requests arriving in each time period are redirected to a server which is operative in that time period. Thus, it is scheduling of the redirection activities that makes it possible to trade cache resources in a manner that is

flexible as to time and place. However, neither the APA nor Haddad recognizes this important link between redirection scheduling and tradeability of cache resources. Thus, neither the APA nor Haddad suggests the use of scheduling to gain the needed flexibility as to the time and place of the commodity contracts for cache resources.

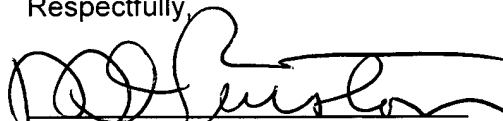
For the above reason, it is submitted that the invention of claim 1 and its dependent claims is non-obvious over the APA and Haddad.

D. Conclusion

For all of the above reasons, Applicants respectfully submit that the invention as described in claim 1 and its dependent claims is patentable over the Admitted Prior Art and Haddad under the standard of 35 USC 103. Withdrawal of the previous rejections leading to allowance of the claims is therefore respectfully solicited.

In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Lucent Technologies Deposit Account No. 12-2325** to correct the error.

Respectfully,



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